

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KYLE JOHN WHITEHILL, Husband; and
HALEY BROOKE DAVIS-WHITEHILL,
Wife;

Plaintiffs,

vs.

DANIEL RAY ROPTE, Individually, and as
Agent for Little D Trucking, a Trade Name
or Company; and LITTLE D TRUCKING,

Defendants.

8:22CV373

AMENDED
CASE PROGRESSION ORDER

This matter comes before the Court on the Motion to Extend Case Deadlines ([Filing No. 20](#)). Considering a scheduled mediation on December 4, 2023, the parties propose amended case progression deadlines. After review, the Court finds good cause for the requested extensions. Accordingly,

IT IS ORDERED that the Motion to Extend Case Deadlines ([Filing No. 20](#)) is granted, and the case progression order is amended as follows:

- 1) Counsel shall advise chambers of the undersigned magistrate judge of the outcome of mediation on or before **December 11, 2023**.
- 2) Experts:
 - a. The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiffs:	January 8, 2024
For the defendants:	March 11, 2024
 - b. The deadlines for completing expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiffs:	February 12, 2024
For the defendants:	April 8, 2024
 - c. The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **May 13, 2024**.

¹ While treating medical and mental health care providers are generally not considered “specially retained experts,” not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert’s treatment records and reports must be separately and timely disclosed.

- 3) The deadline for completing written discovery under Rules 33, 34, 36, and 45 of the Federal Rules of Civil Procedure is **March 15, 2024**. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by **March 29, 2024**.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge on or before the motion to compel deadline to set a conference to discuss the parties' dispute, and after being granted leave to do so by the Court.

- 4) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is **April 8, 2024**. The maximum number of depositions that may be taken by the plaintiffs as a group and the defendants as a group is **five (5)**.
- 5) The planning conference scheduled for January 12, 2024, is cancelled. The trial and pretrial conference will not be set at this time. A planning conference to discuss case progression, dispositive motions, the parties' interest in settlement, and the trial and pretrial conference settings will be held with the undersigned magistrate judge on **April 10, 2024**, at **11:30 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 6) The deadline for filing motions to dismiss and motions for summary judgment is **May 13, 2024**.
- 7) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 8) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 7th day of September, 2023.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge